

114TH CONGRESS
1ST SESSION

H. R. 1392

To amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting the use of certain communication devices while operating a motor vehicle, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2015

Mr. BRADY of Pennsylvania introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting the use of certain communication devices while operating a motor vehicle, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fighting Occupied Cell
5 Use So Everyone Drives More Safely Act of 2015” or the
6 “FOCUS Act of 2015”.

1 **SEC. 2. OPERATION OF MOTOR VEHICLES WHILE USING A**
2 **COMMUNICATION DEVICE.**

3 (a) IN GENERAL.—Chapter 1 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 171. Operation of motor vehicles while using a**
7 **communication device**

8 “(a) DEFINITIONS.—In this section, the following
9 definitions apply:

10 “(1) COMMUNICATION DEVICE.—The term
11 ‘communication device’ means any mobile telephone
12 or other portable electronic communication device
13 with which a user engages in a call or writes, sends,
14 or reads a message or any device in which the user
15 plays a game or watches a video.

16 “(2) MOTOR VEHICLE.—The term ‘motor vehi-
17 cle’ has the meaning given the term in section
18 154(a).

19 “(b) WITHHOLDING OF APPORTIONMENTS FOR NON-
20 COMPLIANCE.—

21 “(1) IN GENERAL.—On October 1 of the second
22 fiscal year beginning after the date of enactment of
23 this Act, and annually thereafter, the Secretary shall
24 withhold 25 percent of the amount required to be
25 apportioned to any State under each of paragraphs
26 (1), (3), and (4) of section 104(b) for the fiscal year

1 if the Secretary determines that the State does not
2 satisfy the requirement under paragraph (2) of this
3 subsection as of that date.

4 “(2) REQUIREMENT.—A State satisfies the re-
5 quirement under this paragraph if the State has en-
6 acted and is enforcing a law that—

7 “(A) except in the event of an emergency,
8 prohibits an operator of a moving motor vehicle
9 from—

10 “(i) utilizing any communication de-
11 vice if such operator is under the age of
12 21; and

13 “(ii) utilizing a hand-held communica-
14 tion device if such operator is 21 years of
15 age or older; and

16 “(B) requires, upon conviction of a viola-
17 tion of a prohibition under subparagraph (A),
18 the imposition of penalties described in sub-
19 section (d).

20 “(c) RECOVERY OF FUNDS WITHHELD.—All funds
21 withheld under this section from apportionment to a State
22 for 1 or more fiscal years shall be available for appor-
23 tionment to the State immediately upon a determination by
24 the Secretary that the State satisfies the requirement
25 under subsection (b)(2).

1 “(d) PENALTIES.—A State shall treat a conviction of
2 an offense described in this section in the same manner
3 as an offense of driving while intoxicated or driving under
4 the influence as such terms are defined in section 164.
5 In addition, penalties shall be graduated for repeated of-
6 fenses.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
8 chapter is amended by adding at the end the following:

“171. Operation of motor vehicles while using a communication device.”.

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